

REMARKS

Claims 1-12 and 14-20 are all the claims pending in the application. Claims 1, 2, 8, 9, 11, 12, 14, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Taylor (U.S. Patent No. 2,929,519). Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor. Claim 20 is allowed, and claims 3-7 and 10 are confirmed as reciting patentable subject matter and would be allowed if rewritten into independent form. Claim 21 is herein added as a claim dependent upon claim 1 and reciting features formerly recited in claim 1.

In the February 27, 2006 Amendment entered by the March 27, 2006 Request for Continued Examination, independent claims 1 and 11 were amended, solely to advance prosecution of exemplary embodiments of the invention, to further define that the claimed lifting units/means of the present invention include piston rods extendible in a direction substantially orthogonal to the lower frame unit and that are connected to the upper frame unit, such as shown in Figure 2 of the present application. In this manner, for example, extension of the piston rod of the actuator itself pushes the upper frame unit (see specification at paragraph [018]). In Taylor, however, fore and aft linkage assemblies in a scissor configuration, along with track members 28 and 29 are required to push the supporting rails 16. As such, Applicants argued that the present invention distinguishes over Taylor.

In the present Office Action, the grounds of rejection allege that Figures 4 and 6 of Taylor show a lower frame unit 12 which is angled upwards towards the middle thereof. The grounds of rejection allege that when the piston rod of cylinder 48 of Taylor extends and raises

the upper frame unit (citing Figure 6), at some point, the piston rod becomes substantially orthogonal to the lower frame unit.

To further advance prosecution of the application, Applicants have amended independent claims 1 and 11 to define that the piston rods are *at least substantially fixedly oriented with respect to the upper frame unit* and extendible in a direction at least substantially orthogonal to the lower frame unit and connected to the upper frame. That is, the orientation of the piston rod of exemplary embodiments of the present invention is fixed in a same direction that it is extendible with respect to the lower frame unit. In Taylor, the piston rod of cylinder 48 is oriented across a wide range of angles as the lift operates. Accordingly, Applicants respectfully submit that claims 1 and 11, and their respective dependent claims, are allowable.

Since the piston rods, their configuration, and their operation have previously been reviewed by the Examiner and the claim amendments merely clarify distinctions previously argued, Applicants respectfully submit that the amendments to the claims do not raise new issues that would require further consideration or a new art search.

Rejection of Claims 16-19

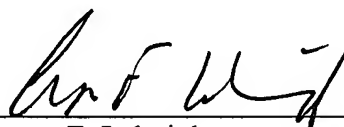
Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor. The grounds of rejection acknowledge that Taylor fails to teach the upper frame configured to secure a motor vehicle, but state that this feature would have been obvious to one of ordinary skill in the art at the time of invention in view of Taylor being used as a lift for “heavy equipment.” Notwithstanding the lack of teaching in Taylor that the upper frame can be

configured to secure a motor vehicle, claim 16 (upon entry of the amendments herein) also recites lifting units that are at least substantially fixedly oriented with respect to the upper frame unit and extendable in an axial direction. Thus, for analogous reasons to those discussed above, claim 16 is allowable over the art of record. Claims 17-19 are allowable at least based on their dependence on claim 16.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


George F. Lehnigk
Registration No. 36,359

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 12, 2006